



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#19

Applicant: Negus et al.
Serial No: 09/493,423
Filed: January 29, 2000
For: PERCUTANEOUS MYOCARDIAL REVASCULARIZATION
MARKING AND THERAPEUTIC OR DIAGNOSTIC AGENT
DELIVERY SYSTEM
Examiner: Farah, Ahmed M.
Group No: 3739
Docket No: LE-199J

Mail Stop RCE
Commissioner for Patents
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CERTIFICATE OF MAILING

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Leslie Ruano

REPLY

The applicants appreciate the Examiner's thorough examination of the application and requests reexamination and reconsideration of the application in view of the following remarks.

The Examiner rejects claims 1 and 3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,030,377 to *Linhares*, and rejects claims 1 and 3 under 35 USC § 102(e) as being anticipated by *Linhares*.

Claim 1 of the subject application is directed to a percutaneous myocardial revascularization marking therapeutic or diagnostic agent delivery system comprising a treatment catheter having a proximal end interconnected with a source of tissue ablative